

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation  
Against:

**ROBERT G. MORASCH, M.D.**

File No. 09-2007-183130

Physician's and Surgeon's  
Certificate No. A-66927

Respondent

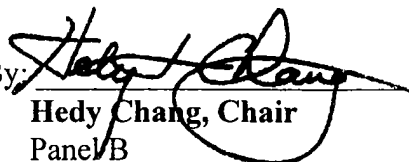
**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 3, 2009.

IT IS SO ORDERED August 4, 2009.

MEDICAL BOARD OF CALIFORNIA

By:   
Hedy Chang, Chair  
Panel B

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 STEVEN V. ADLER  
Supervising Deputy Attorney General  
3 DOUGLAS LEE, State Bar No. 222806  
Deputy Attorney General  
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8 Attorneys for Complainant

9 **BEFORE THE**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 ROBERT G. MORASCH, M.D.  
1017 East Alder Street  
14 Walla Walla, WA 99362  
15 Physician's and Surgeon's Certificate  
No. A 66927

16  
17 Respondent.

Case No.09-2007-183130

OAH No.

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Barbara Johnston (Complainant) is the Executive Director of the Medical  
22 Board of California. She brought this action solely in her official capacity and is represented in  
23 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Douglas  
24 Lee, Deputy Attorney General.

25 2. Robert G. Morasch (Respondent) is representing himself in this  
26 proceeding and has chosen not to exercise his right to be represented by counsel

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3. On or about November 6, 1998, the Medical Board of California issued Physician's and Surgeon's Certificate No. A 66927 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges in Accusation No. 09-2007-183130, and will expired on September 30, 2010, unless renewed.

## JURISDICTION

4. Accusation No. 09-2007-183130 was filed before the Medical Board of California, Department of Consumer Affairs (Board), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on or about June 9, 2009. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 09-2007-183130 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 09-2007-183130. Respondent also has carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in  
3 Accusation No. 09-2007-183130, if proven at a hearing, constitute cause for imposing discipline  
4 upon his Physician's and Surgeon's Certificate.

5 9. For the purpose of resolving the Accusation without the expense and  
6 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
7 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up  
8 his right to contest those charges.

9 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject  
10 to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the  
11 Disciplinary Order below.

12 RESERVATION

13 11. The admissions made by Respondent herein are only for the purposes of  
14 this proceeding, or any other proceedings in which the Board is involved, and shall not be  
15 admissible in any other criminal or civil proceeding.

16 CONTINGENCY

17 12. This stipulation shall be subject to approval by the Board of California.  
18 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
19 Board of California may communicate directly with the Board regarding this stipulation and  
20 settlement, without notice to or participation by Respondent or his attorney. By signing the  
21 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
22 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
23 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
24 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
25 action between the parties, and the Board shall not be disqualified from further action by having  
26 considered this matter.

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1           13.     The parties understand and agree that facsimile copies of this Stipulated  
2 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
3 force and effect as the originals.

4           14.     In consideration of the foregoing admissions and stipulations, the parties  
5 agree that the Board may, without further notice or formal proceeding, issue and enter the  
6 following Disciplinary Order:

7                               **DISCIPLINARY ORDER**

8           **A.     PUBLIC REPRIMAND**

9           IT IS HEREBY ORDERED that respondent ROBERT G. MORASCH, M.D.,  
10 Physician's and Surgeon's Certificate No. A 66927, shall be and is hereby Publicly Reprimanded  
11 pursuant to California Business and Professions Code section 2227, subdivision (a)(4).  
12 This Public Reprimand, which is issued in connection with respondent's actions as set forth in  
13 Accusation No. 09-2007-183130, is as follows:

14                   On or about August 14, 1998, and October 4, 2005, you submitted two  
15 documents which contained untruthful statements in violation of Business and  
16 Professions Code section 2234, subdivision (e), as set forth in the  
17 Accusation No. 09-2007-183130.

18           **B.     ETHICS COURSE**

19           Within 90 calendar days of the effective date of this Decision, respondent shall  
20 enroll in a course in ethics, at respondent's expense, approved in advance by the Board or its  
21 designee.

22                   An ethics course taken after the acts that gave rise to the charges in the  
23 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
24 or its designee, be accepted towards the fulfillment of this condition if the course would have  
25 been approved by the Board or its designee had the course been taken after the effective date of  
26 this Decision.

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28    ///

1 Respondent shall submit a certification of successful completion to the Board or  
2 its designee not later than 15 calendar days after successfully completing the course, or not later  
3 than 15 calendar days after the effective date of the Decision, whichever is later.

4 Failure to successfully complete this course within 120 days of the effective date  
5 of the decision shall be a violation of this agreement and order, and shall constitute  
6 unprofessional conduct.

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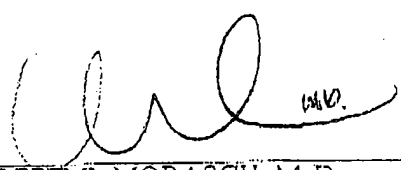
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 7/1/09

  
ROBERT G. MORASCH, M.D.  
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: \_\_\_\_\_

EDMUND G. BROWN JR., Attorney General  
of the State of California

STEVEN V. ADLER  
Supervising Deputy Attorney General

DOUGLAS LEE  
Deputy Attorney General

Attorneys for Complainant

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DATED: . . .

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DATED: 7/1/09

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**Exhibit A**

**Accusation No. 09-2007-183130**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 STEVEN V. ADLER  
Supervising Deputy Attorney General  
3 SUSAN L. FITZGERALD  
Deputy Attorney General  
4 State Bar No. 112278  
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*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 09-2007-183130

12 **ROBERT G. MORASCH, M.D.**  
13 **1017 E Alder St**  
**Walla Walla, WA 99362**  
14 **Physician's and Surgeon's Certificate No.**  
**A66927**

**A C C U S A T I O N**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Barbara Johnston (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.  
21 2. On or about November 6, 1998, the Medical Board of California issued Physician's  
22 and Surgeon's Certificate Number A66927 to ROBERT G. MORASCH, M.D. (Respondent). The  
23 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the  
24 charges brought herein and will expire on September 30, 2010, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Medical Board of California (Board),  
27 Department of Consumer Affairs, under the authority of the following sections of the Business  
28 and Professions Code, unless otherwise indicated:

1  
2 A. Section 2227 of the Code provides that a licensee who is found guilty under the  
3 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
4 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
5 action taken in relation to discipline as the Division deems proper.

6 B. Section 2234 of the Code states:

7 "The Division of Medical Quality<sup>1</sup> shall take action against any licensee who is charged  
8 with unprofessional conduct. In addition to other provisions of this article, unprofessional  
9 conduct includes, but is not limited to, the following:

10 "..."

11 "(e) The commission of any act involving dishonesty or corruption which is substantially  
12 related to the qualifications, functions, or duties of a physician and surgeon.

13 "..."

14 C. Section 2261 of the Code states:

15 "Knowingly making or signing any certificate or other document directly or indirectly  
16 related to the practice of medicine or podiatry which falsely represents the existence or  
17 nonexistence of a state of facts, constitutes unprofessional conduct."

## 18 FIRST CAUSE FOR DISCIPLINE

### 19 (Unprofessional Conduct: Substantially Related Dishonesty/Corruption)

20 4. Respondent is subject to disciplinary action under sections 2227 and 2234,  
21 subdivision (e) of the Code in that he committed acts of dishonesty substantially related to his  
22 qualifications, functions, or duties as a physician and surgeon, as more particularly alleged below:

23 A. On or about October 4, 2005, Respondent applied to the medical staff of Mission  
24 Hospital, 27700 Medical Center Road, Mission Viejo, California. Mission Hospital's

25  
26 <sup>1</sup> California Business & Professions Code section 2002, as amended and effective January 1, 2008, provides that,  
27 unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act ( Cal. Bus. & Prof.  
28 Code §§2000 et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality"  
and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 application required an applicant to disclose, among other things, if the applicant had  
2 ever had his/her medical staff privileges (temporary or otherwise) placed on probation.  
3 Respondent answered "no" when, in fact, he had those privileges subject to probation  
4 for three months during his residency at Riverside County Regional Medical Center.  
5 Respondent has admitted that he did not disclose his residency probation in the 2005  
6 Mission Hospital application because he felt that disclosing his probation would have  
7 ended his chance for hospital privileges there.

8 B. Also on the 2005 Mission Hospital application submitted by Respondent was a question  
9 asking, "[h]as any government or administrative agency ever accused or convicted you  
10 of violating any criminal law (excluding minor traffic violations)?" Respondent  
11 answered "no" when, in fact, he had been convicted of a crime in 1997.

12 C. On or about August 14, 1998, Respondent applied to the California Medical Board for  
13 licensure. The application asked, "[h]ave you ever withdrawn from. . . a medical school  
14 or postgraduate training program?" Respondent answered "no" when, in fact, he had  
15 withdrawn 2 months before his application to the California Medical Board from a  
16 residency program in radiology at the University of Nebraska.

## 17 SECOND CAUSE FOR DISCIPLINE

### 18 (Unprofessional Conduct: Knowingly False Document)

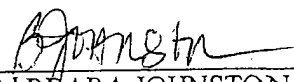
19 5. Respondent is subject to disciplinary action under sections 2227, 2234, and 2261 for  
20 knowingly making or signing his 2005 application for medical staff privileges to Mission  
21 Hospital and his application for licensure to the California Medical Board, both of which directly  
22 relate to the practice of medicine, and both of which falsely represent the existence or  
23 nonexistence of a state of facts, as more particularly alleged in paragraph 4 and its subdivisions,  
24 above, and incorporated herein by reference as if fully set forth.

## 25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Medical Board of California issue a decision:  
28

- 1        1.    Revoking or suspending Physician's and Surgeon's Certificate Number A66927,  
2 issued to Robert G. Morasch, M.D.;
- 3        2.    Revoking, suspending or denying approval of Robert G. Morasch, M.D.'s authority to  
4 supervise physician's assistants, pursuant to section 3527 of the Code;
- 5        3.    Ordering Robert G. Morasch, M.D. to pay the Medical Board of California the costs  
6 of probation monitoring, if placed on probation;
- 7        4.    Taking such other and further action as deemed necessary and proper.

8 DATED: June 9, 2009

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11   
12 BARBARA JOHNSTON  
13 Executive Director  
14 Medical Board of California  
15 Department of Consumer Affairs  
16 State of California  
17 Complainant

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